

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION - CINCINNATI

IN RE:) CASE NO. 10-13254
)
James William Cox) CHAPTER 7
)
Debtor) JUDGE Jeffery Hopkins
)
) MOTION OF JPMORGAN CHASE BANK, NA
) FOR RELIEF FROM STAY
)
) PROPERTY:
) ** 2007 Dodge Nitro,
) VIN#1D8GU28K97W564873

JPMorgan Chase Bank, NA (the "Movant") moves this Court, under §§ 361, 362, 363, 554 and other sections of the Bankruptcy Reform Act of 1978, as amended (the "Bankruptcy Code") and under Rules 4001, 6007 and other rules of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") for an Order conditioning, modifying or dissolving the automatic stay imposed by § 362 of the Bankruptcy Code. In support of this Motion, the Movant states:

MEMORANDUM IN SUPPORT

1. The Court has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b)(2). The venue of this case and this Motion is proper under 28 U.S.C. §§ 1408 and 1409.

2. On July 6, 2009 the Debtor listed above (collectively, the "Debtor") obtained a loan from Movant in the amount of \$18,200.72. Such loan was evidenced by a promissory note and Security Agreement dated, July 6, 2009, (the "Note"), a copy of which is attached as Exhibit A.

3. To secure payment of the Note and performance of the other terms contained in it, the Debtor executed a Security Agreement that is contained in the Note. (the "Security Agreement"). The Security Agreement granted a lien on the real and/or personal property (the "Collateral") owned by the Debtor and more fully described in the Security Agreement.

4. The lien created by the Security Agreement was duly perfected by the notation of the lien on the Title to the collateral in the office of the Hamilton County Bureau of Motor Vehicles on July 31, 2009. A copy of the Title with the lien noted thereon is attached as Exhibit B. The lien is the 1st lien on the Collateral.

5. The Note and Security Agreement were transferred as follows: None.

6. The value of the Collateral is \$15,800.00. This valuation is based on the N.A.D.A. Book Value.

7. As of the date of this Motion, there is currently due and owing on the Note the outstanding balance of \$17,010.22 plus

interest accruing thereon at the rate of 20.50% per annum from March 15, 2010.

8. Other parties known to have an interest in the Collateral are: NONE

9. The Movant is entitled to relief from the automatic stay under §§ 362(d)(1) and/or 362(d)(2) for these reason(s):

Debtor has no equity in the Collateral and the Collateral is not needed by the Debtor for its reorganization. Movant believes that the collateral has a value of \$15,800.00. Including the Movant's lien, there are liens in an aggregate amount of \$17,010.22 on the Collateral.

Debtor has failed to provide adequate protection for the lien held by the Movant for the reasons set forth below.

Debtor has failed to make periodic payments to Movant both prior to and since the commencement of this bankruptcy case, which unpaid payments are in the aggregate amount of \$1,618.16 through May 19, 2010. Debtor is contractually due to Movant for the March 15, 2010 payment and is 3 payments delinquent.

The debtor intends to surrender the vehicle to Movant.

WHEREFORE, Movant prays for an Order from the Court granting Movant relief from the automatic stay of § 362 of the Bankruptcy Code to permit Movant to proceed under law and for

such other and further relief to which the Movant may be entitled.

Respectfully submitted,

/s/ Cynthia A. Jeffrey

REIMER, ARNOVITZ, CHERNEK &

JEFFREY CO., L.P.A.

Cynthia A. Jeffrey #0062718

Stephen R. Franks #0075345

P.O. Box 968

Twinsburg, Ohio 44087

Phone: 330-425-4201

Fax: 330-425-2155

cjeffrey@reimerlaw.com

NOTICE OF MOTION FOR RELIEF FROM STAY

Please take NOTICE that the attached Motion for Relief from Stay will be filed with the Bankruptcy Court. The undersigned will present to the Court a proposed order granting the relief sought unless, within twenty one (21) days after the service date set forth on the attached certificate of service, a written memorandum in opposition along with a request for a hearing is filed with the Court and served on the undersigned. Failure to file a response and accompanying memorandum on a timely basis may be cause for the Court to grant the Motion as filed without further notice.

Furthermore, notice is given that, if the attached request seeks relief from the stay or acts against property of the estate, such stay will terminate with respect to the requesting party unless, within thirty (30) days of the filing of the attached request, the Court orders the stay continued in effect pending, or as a result of, a final hearing pursuant to 11 U.S.C. Section 362(e).

/s/ Cynthia A. Jeffrey

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CERTIFICATE OF SERVICE

I hereby certify that on this May 21, 2010, a copy of the foregoing Motion for Relief from Stay and Notice of Motion for Relief from Stay was served on the following registered ECF participants, electronically through the Court's transmission facilities at their email addresses registered with the Court:

1. Office of the U.S. Trustee
Served Electronically
2. Eileen K Field, Trustee
* Served Electronically *

I hereby certify that the following were served by mailing the same by ordinary U.S. mail, postage prepaid, to the persons listed below:

1. Office of the U.S. Trustee
36 East Seventh St Ste #2050
Cincinnati, OH 45202
2. Eileen K Field, Trustee
632 Vine Street, Ste 1010
Cincinnati, OH 45202
3. James William Cox, Debtor
3369 Meyer Place
Cincinnati, OH 45211

/s/ Cynthia A. Jeffrey

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